

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 105.4, the Plumbing and Mechanical Systems Board hereby amends Chapter 30, "Continuing Education for Plumbing and Mechanical Systems Professionals," Iowa Administrative Code.

The purpose of these amendments is to align the rules in Chapter 30 with the definitions and requirements contained in 2011 Iowa Acts, House File 392. These amendments describe the standards governing the criteria for continuing education activities; the standards governing approval for instructors; the requirements for specialty licenses; and the grounds for exempting continuing education requirements.

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are impracticable because 2011 Iowa Acts, House File 392, was effective upon signing on April 28, 2011.

The Board also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendments should be waived and these amendments should be made effective upon filing because 2011 Iowa Acts, House File 392, was effective on April 28, 2011, and the amendments confer a benefit on the public. Professional licenses are being issued under Iowa Code chapter 105, and these amendments provide the guidelines and procedures necessary for the licensees to continue to obtain continuing education credits.

The Plumbing and Mechanical Systems Board adopted these amendments on June 21, 2011.

These amendments are also published herein under Notice of Intended Action as **ARC 9613B** to allow public comment.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 105 as amended by 2011 Iowa Acts, House File 392.

These amendments became effective on June 21, 2011.

The following amendments are adopted.

ITEM 1. Amend subrule 30.2(1) as follows:

**30.2(1)** The ~~biennial~~ continuing education compliance period shall begin on the license issue date and end ~~two years later~~ on the license expiration date.

ITEM 2. Amend subrule 30.2(2) as follows:

**30.2(2)** Each ~~biennium~~ continuing education compliance period:

a. ~~A All inactive and active master or and journey licensee~~ licensees shall be required to complete a minimum of 8 hours of board-approved continuing education, of which 4 hours shall be in the ~~prescribed practice discipline in which the licensee holds a license~~. A minimum of 2 hours of the 8 hours shall be in the content area of the applicable Iowa plumbing or mechanical codes, and 2 hours of the 8 hours shall be in the content area of the Iowa Occupational Safety and Health Act.

b. ~~A All inactive and active master or and journey licensee~~ licensees holding licenses in multiple mechanical code disciplines (i.e., HVAC, hydronics, or refrigeration) with the same license expiration date shall obtain a minimum of 14 hours of board-approved continuing education, of which 8 hours shall be in any of the prescribed practice disciplines in which the licensee holds a license. A minimum of 2 hours of the 14 hours shall be in each of the content areas area of the applicable Iowa plumbing code, Iowa mechanical code, or both, and 4 hours of the 14 hours shall be in the content area of the Iowa Occupational Safety and Health Act. All inactive and active master and journey licensees holding a plumbing discipline license and at least one mechanical code discipline license (i.e., HVAC, hydronics, or refrigeration) with the same expiration date shall obtain a minimum of 16 hours of board-approved continuing education, of which 8 hours shall be in any of the practice disciplines in which the licensee holds a license. A minimum of 2 hours of the 16 hours shall be in the content area of the Iowa plumbing

code, 2 hours of the 16 hours shall be in the content area of the Iowa mechanical code, and 4 hours of the 16 hours shall be in the content area of the Iowa Occupational Safety and Health Act.

ITEM 3. Adopt the following **new** paragraphs **30.2(2)“c”** and **“d”**:

*c.* An individual possessing one special, restricted license issued pursuant to Iowa Code section 105.18(3) shall be required to complete the same number and type of continuing education hours as set forth in paragraph 30.2(2)“*a.*” For purposes of paragraph 30.2(2)“*c.*,” the prescribed practice discipline for each special, restricted license shall be the discipline under which the special license is a sublicense.

*d.* An individual possessing two or more special, restricted licenses issued pursuant to Iowa Code section 105.18(3) shall be required to complete the same number and type of continuing education hours as set forth in paragraph 30.2(2)“*b.*” For purposes of paragraph 30.2(2)“*d.*,” the prescribed practice discipline for each special, restricted license shall be the discipline under which the special license is a sublicense.

ITEM 4. Amend subrule 30.2(3) as follows:

**30.2(3)** Up to 2 hours of board-approved continuing education required by subrule 30.2(2) each ~~biennium~~ continuing education compliance period may be obtained through completion of computer-based continuing education programs/activities approved by the board.

ITEM 5. Amend subrule 30.2(5) as follows:

**30.2(5)** A licensee who is a presenter of a board-approved continuing education program may receive credit once per ~~biennium~~ continuing education compliance period for the presentation of the program. The licensee may receive the same number of hours granted the attendees.

ITEM 6. Amend subrule 30.3(2) as follows:

**30.3(2)** *Board approval.* Board approval for specific programs/activities under paragraph 30.3(1)“*a.*” shall be valid for ~~one year~~ three years.

ITEM 7. Adopt the following **new** subrules 30.3(3) and 30.3(4):

**30.3(3)** *Procedure and standards for board approval of continuing education programs/activities.*

*a.* For non-computer-based continuing education programs/activities, an individual or entity seeking board approval shall:

(1) File an application in the form prescribed by the board without alteration at least 60 days prior to the first scheduled course date;

(2) Attach a copy of the course or activity outline or syllabus which, at a minimum, specifically identifies the course content and a breakdown of the student contact hours; and

(3) Attach a schedule of courses, if known, which indicates the course’s or activity’s proposed scheduled locations, dates, and times.

*b.* For computer-based continuing education programs/activities, an individual or entity seeking board approval shall:

(1) File an application in the form prescribed by the board without alteration;

(2) Attach a copy of the course or activity outline or syllabus which, at a minimum, specifically identifies the course content and a breakdown of the student contact hours;

(3) Attach a schedule of courses, if known, which indicates the course’s or activity’s proposed scheduled locations, dates, and times;

(4) Provide a brief summary of the training product;

(5) Provide a copy of the CD-ROM, DVD, visual aids, or other materials included with the course or activity; and

(6) Provide the names, contact information, and qualifications or résumés of the training designers.

**30.3(4)** *Board member attendance.* With board approval, board members may attend any board-approved continuing education program/activity for purposes of determining whether the continuing education program/activity complies with these rules. In the event a board member attends a board-approved continuing education program/activity with the purpose of determining whether the continuing education program/activity complies with these rules, the board member may not receive any continuing education credit for those hours in attendance.

ITEM 8. Rescind subrule 30.4(1) and adopt the following **new** subrule in lieu thereof:

**30.4(1) Procedure and standards for board approval of instructors.** An individual seeking board approval to instruct continuing education programs/activities shall:

- a. File an application in the form prescribed by the board without alteration;
- b. Attach copies of documents, licensures, degrees, and other materials demonstrating compliance with the requirements for the type of continuing education program/activity as set forth below.

(1) If seeking approval to instruct in the content area of the Iowa Occupational Safety and Health Act, an individual must either possess and maintain a current Occupational Safety and Health Act 500, 501, 502, or 503 card or completion certificate, or both, or possess a current train-the-trainer or instructor card or other certification or safety-related degree or diploma issued by the American Heart Association, American Red Cross, National Safety Council, Board of Certified Safety Professionals, or board-approved equivalent.

(2) If seeking approval to instruct in the content area of the Iowa plumbing code or Iowa mechanical code, or both, an individual must:

1. Possess a current license issued by the board at the journey or master level in the applicable discipline under that code,
2. Possess a current license as a professional engineer under Iowa Code chapter 542B,
3. Present evidence of having taught at least eight contact hours in the applicable code within the last three years,
4. Possess a current inspector or plans examiner certificate issued by a code body in the discipline, or
5. Demonstrate equivalent specialized education or training.

(3) If seeking approval to instruct in the content area of a practice discipline, an individual must:

1. Possess a current license issued by the board at the journey or master level in the applicable discipline,
2. Possess a current license as a professional engineer under Iowa Code chapter 542B,
3. Provide evidence of employment as a product representative with manufacturer training,
4. Present evidence of having taught at least eight contact hours in the applicable discipline within the last year, or
5. Demonstrate equivalent specialized education or training.

ITEM 9. Amend subrule 30.4(2) as follows:

**30.4(2) Board approval.** Board approval for an instructor under ~~paragraph 30.4(1)“a”~~ subrule 30.4(1) shall be valid for three years.

ITEM 10. Amend paragraph **30.6(1)“d”** as follows:

d. Was absent from the state but engaged in active practice under circumstances which are approved by the board; or

ITEM 11. Adopt the following **new** paragraph **30.6(1)“e”**:

e. Obtained a journeyperson license by examination provided that the licensee maintains the same renewal date as the licensee’s apprentice license. This automatic exemption shall only apply to the licensee’s first renewal of the journeyperson license.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/13/11.